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ATTORNEY DOCKET NUMBER: 2002834-0069

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Sampson, et al. Examiner:  
Serial No.: 09/989,658 Art Unit: 1632  
Filing Date: November 20, 2001  
Title: ANIMAL MODEL OF ALLERGIES

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

Sir:

**TRANSMITTAL LETTER**

Enclosed are the following documents:

1. Form PTO-1449 (6 pages);
2. Information Disclosure Statement (5 pages);
3. Return Postcard

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,

C. Hunter Baker, M.D., Ph.D.  
Registration No. 46,533

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Dated: 7/24/02

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I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231  
on September 26, 2002

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



Applicant: Sampson, et al.  
Serial No.: 09/989,658  
Filed: November 20, 2001  
For: ANIMAL MODEL OF ALLERGIES

Examiner:  
Art Unit: 1632

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

Sir:

**STATEMENT FILED PURSUANT TO THE DUTY OF DISCLOSURE**  
**UNDER 37 C.F.R. §§1.56, 1.97 AND 1.98**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants respectfully request consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

(Select A, B or C below)

A. ☐ This Information Disclosure Statement has been filed:

(check 1, 2 and/or 3 below)

1. ☐ within three months of the filing date of the above identified U.S. Patent application;
2. ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International application; and/or
3. ☒ before the mailing date of the first Office Action on the merits in the above-identified application.

No fee or certification is required.

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B. ☐ This Information Disclosure Statement has been filed more than three months after the filing date of the present application and after the mailing date of a first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.  
(check 1 or 2 below)

1. ☐ The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed; or

2. ☐ Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that  
(check a or b below)

a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement; or

b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

C. ☐ This Information Disclosure Statement has been filed after the mailing date of either a Final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and before payment of an Issue Fee.

(check 1, 2, and 3 below)

1. ☐ The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that:  
(check a or b below)

a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.

- b.     ☐     no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.
2.     ☐     A Petition requesting consideration of the Information Disclosure Statement is attached.
3.     ☐     The Petition Fee of \$130 as set forth in 37 C.F.R. §1.17(i)(1) is enclosed.

PART II - Information Cited

- A.     ☒     The Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.
- B.     ☐     The Applicant hereby makes the following additional information of record in the above-identified application:

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

- A.     ☐     The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):
- B.     ☐     The following are remarks concerning the other information cited:

PART IV: Remarks

- A.    ☒   Copies of references  
          (check 1 or 2 below)
1.     ☐     A copy of each of the references cited on the attached form PTO-1449  
                         (modified) is enclosed;
  2.     ☒   Copies of the references cited on the attached form PTO-1449 (modified)  
                         are not enclosed because each of these references (indicated by asterisk)  
                         was previously cited by or submitted to the Office in a prior application,  
                         (U.S. Serial No. 09/518,346, filed March 3, 2000), which prior application  
                         is relied upon for an earlier filing date under 35 U.S.C. § 120.
- B.     ☒   It is respectfully requested that:  
          (check 1, 2, and 3 below)
1.     ☒   The Examiner consider completely the cited information, along with any  
                         other information, in reaching a determination concerning the patentability  
                         of the present claims;
  2.     ☒   The enclosed form PTO-1449 be signed by the Examiner to evidence that  
                         the cited patent(s) and publication(s) has (have) been fully considered by  
                         the Patent and Trademark Office during the examination of this  
                         application;
  3.     ☒   The citations for the patent(s) and publication(s) be printed on any patent  
                         which issues from this application.
- C.     ☒   By submitting this Information Disclosure Statement, Applicants make no  
                         representation that a search has been performed, of the extent of any search  
                         performed, or that more material information may not exist.

- D. ☒ By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).
- E. ☒ By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.
- F. ☒ Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

An early and favorable action is hereby requested. Please charge any additional fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,



C. Hunter Baker, M.D., Ph.D.  
Reg. No. 46,533

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Dated: 9/26/02

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on September 26, 2002  
[Signature]

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## INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Applicant: Sampson, et al.

Filing Date:  
November 20, 2001Group:  
1632

## U.S. PATENT DOCUMENTS

| Examiner's<br>Initials | U.S. Patent No. | Applicant          | Issue Date         | Class | Subclass |
|------------------------|-----------------|--------------------|--------------------|-------|----------|
|                        | *4,696,915      | Horecker           | September 29, 1987 | 514   | 21       |
|                        | *5,026,545      | Saint-Remy, et al. | June 25, 1991      | 424   | 85.8     |
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## U.S. PATENT APPLICATIONS

| Examiner's<br>Initials: | Serial Number: | Applicant:      | Filing Date:      | Group: | Art Unit: |
|-------------------------|----------------|-----------------|-------------------|--------|-----------|
|                         | *60/124,595    | Sosin et al.    | March 16, 1999    |        |           |
|                         | *60/125,071    | Sosin et al.    | March 17, 1999    |        |           |
|                         | *60/169,330    | Caplan          | December 6, 1999  |        |           |
|                         | *09/090,375    | Caplan et al.   | June 4, 1998      |        |           |
|                         | *09/141,220    | Bannon et al.   | August 27, 1998   |        |           |
|                         | *09/216,117    | Sosin et al.    | December 18, 1998 |        |           |
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|                         | *09/247,406    | Caplan          | February 10, 1999 |        |           |
|                         | *09/290,029    | Bottomly et al. | April 9, 1999     |        |           |
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|                         | *09/478,668    | Bannon et al.   | January 6, 2000   |        |           |

## FOREIGN PATENT DOCUMENTS

| Examiner's<br>Initials | Document No. | Country | Date             | Translation |    |
|------------------------|--------------|---------|------------------|-------------|----|
|                        |              |         |                  | Yes         | No |
|                        | *JP 03048155 | Japan   | March 1991       |             |    |
|                        | *JP 06030674 | Japan   | June 1994        |             |    |
|                        | *JP 07008141 | Japan   | July 1995        |             |    |
|                        | *JP 07163270 | Japan   | July 1995        |             |    |
|                        | *WO 96/02555 | PCT     | February 1, 1996 |             |    |
|                        | *WO 97/24139 | PCT     | July 10, 1997    |             |    |

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Form PTO-1449  
(REV. 8-83)

U.S. Department of Commerce  
Patent and Trademark Office

Atty. Docket  
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In re Application No.  
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(Use several sheets if necessary)

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|  |              |     |                    |  |  |
|--|--------------|-----|--------------------|--|--|
|  | *WO 98/18810 | PCT | May 7, 1998        |  |  |
|  | *WO 98/16247 | PCT | April 23, 1998     |  |  |
|  | *WO 98/40100 | PCT | September 17, 1998 |  |  |
|  | *WO 99/38978 | PCT | August 5, 1999     |  |  |

**OTHER DOCUMENTS**

| Examiner's<br>Initials | Citation (Including Author, Title, Date, Pertinent Pages, Etc.)   |
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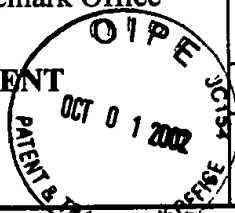
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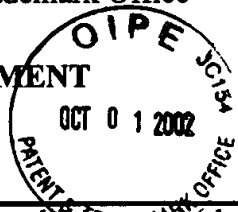
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|--|---|-----------------------------------|-------------------------------------|
| <b>Form PTO-1449</b><br><b>(REV. 8-83)</b>                                   | U.S. Department of Commerce<br>Patent and Trademark Office  | Atty. Docket:<br>2002834-0069     | In re Application No.<br>09/989,658 |
| <b>INFORMATION DISCLOSURE STATEMENT</b><br>(Use several sheets if necessary) |   | Applicant: Sampson, <i>et al.</i> |                                     |
| Filing Date:<br>November 20, 2001  |   | Group:<br>1632                    |                                     |
|  | *Kopper, <i>et al.</i> , "Rapid Isolation of Peanut Allergen and Their Physical and Biological Characterization" <i>J. Allergy Clin. Immunol.</i> 101:S240, 1998.   |                                   |                                     |
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\*Asterick indicates submitted with parent application no.: 09/518,346, (Sampson, et al.)  
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